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*Ramapo Hunt & Polo Club Association, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

RAMAPOUGH MOUNTAIN INDIANS  
INC., and RAMAPOUGH LENAPE  
NATION,

Plaintiffs,

v.

TOWNSHIP OF MAHWAH, RAMAPO  
HUNT & POLO CLUB ASSOCIATION,  
INC., GERALDINE ENTRUP, THOMAS  
MULVEY, JOHN and JANE DOES 1  
THROUGH 14, JOHN DOE ENTITIES 1  
AND 2,

Defendants.

Civil Action No. 2:18-cv-09228-CCC-JBC

*Document Electronically Filed*

**Motion Date:** February 19, 2019

**Before:** Hon. Claire C. Cecchi, U.S.D.J.

**DECLARATION OF ARTHUR N.  
CHAGARIS, ESQ.**

I, Arthur N. Chagaris, Esq., of full age, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and a Member of the law firm Beattie Padovano, LLC, attorneys for defendant Ramapo Hunt & Polo Club Association, Inc. (“HOA”) in the above-captioned matter. I submit this Declaration in opposition to Plaintiffs’ Motion for Leave to Amend the Complaint under the Federal Rules of Civil Procedure, Rule 15.

2. Annexed hereto as **Exhibit A** is a true and accurate copy of the table of allegations in the Plaintiffs' Proposed Amended Complaint on which Plaintiffs' base their conspiracy claim.

3. Annexed hereto as **Exhibit B** is a true and accurate copy of Plaintiff's Proposed Amended Complaint [ECF#42-2] (hereinafter "PAC").

4. Annexed hereto as **Exhibit C** is a true and accurate copy of the Mahwah Schedule of District Use Regulations.

5. Annexed hereto as **Exhibit D** is a true and accurate copy of the July 7, 1995 Deed conveying 95 Halifax Road, Mahwah, New Jersey (hereinafter the "Property") from Charles Elmes to Ramapough Mountain Indians, Inc., recorded in Book 7803, at page 663.

6. Annexed hereto as **Exhibit E** is a true and accurate copy of Resolution No. 066-95A of the Township of Mahwah Mayor and Council, dated August 17, 1995, allowing RMI to hold a "Pow-Wow" at the Ramapo Hunt & Polo Club Field on September 16-17, 1995.

7. Annexed hereto as **Exhibit F** is a true and accurate copy of the January 25, 2012 Zoning Permit concerning 95 Halifax Road, Mahwah, New Jersey.

8. Annexed hereto as **Exhibit G** is a true and accurate copy of the September 15, 2017 letter of Michael Kelly rescinding the 2012 Zoning Permit.

9. Annexed hereto as **Exhibit H** is a true and accurate copy of the November 26, 2016 warning letter from Michael Kelly, Mahwah's then zoning officer, to RMI's Chief, Dwaine Perry, concerning various violations on the Property.

10. Annexed hereto as **Exhibit I** is a true and accurate copy of RMI's variance and site-plan application, which was submitted on June 12, 2017, but was later withdrawn.

11. Annexed hereto as **Exhibit J** is a true and accurate copy of the Resolution No. 1423-17 of the Township of Mahwah Zoning Board of Adjustment, dated December 6, 2017, dismissing RMI's June 2017 variance and site-plan application for lack of prosecution.

12. Annexed hereto as **Exhibit K** is a true and accurate copy of the June 11, 2018 Order of the Court denying Plaintiffs' application for a temporary restraining order [ECF#15].

13. Annexed hereto as **Exhibit L** is a true and accurate copy of the May 21, 2018 letter from the Township of Mahwah to Ramapough Mountain Indians, Inc.

14. Annexed hereto as **Exhibit M** is a true and accurate copy of the abridged transcripts of trial proceedings held on October 31, 2017, in the matter *Township of Mahwah v. Ramapough Mountain Indians, Inc.*, Summons no. SC-

2017-8749, *et seq.*, (Municipal Court of Mahwah, heard in Bergen County Vicinage 2) (hereinafter “Municipal Zoning Violation Trial”).<sup>1</sup>

15. Annexed hereto as **Exhibit N** is a true and accurate copy of the November 17, 2017 Transcript of the verdict rendered on the record in the Municipal Zoning Violation Trial.

16. Annexed hereto as **Exhibit O** is a true and accurate copy of the January 10, 2019 Judgment after Trial de novo issued by the Hon. Keith A. Bachmann, J.S.C., in the matter *State of New Jersey v. Ramapough Mountain Indians, Inc.*, Docket No. BMA 001-18-02 (New Jersey Superior Court, Law Division: Bergen County).

17. Annexed hereto as **Exhibit P** is a true and accurate copy of the September 22, 2017 Verified Complaint filed by the HOA in the action *Ramapo Hunt & Polo Club Association, Inc. v. Ramapough Mountain Indians, Inc., and Township of Mahwah*, Docket No. BER-L-6409-17 (New Jersey Superior Court, Law Division: Bergen County) (hereinafter “HOA Enforcement Action”).

18. Annexed hereto as **Exhibit Q** is a true and accurate copy of Certification of Paul Scian with Exhibits, dated September 22, 2017, which was filed in the HOA Enforcement Action.

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<sup>1</sup> Because the entire transcript is voluminous, only excerpts are annexed. The entire transcript of all proceedings is available upon request.

19. Annexed hereto as **Exhibit R** is a true and accurate copy of the Defendant's Answer to Verified Complaint filed by RMI on November 28, 2017 the action HOA Enforcement Action.

20. Annexed hereto as **Exhibit S** is a true and accurate copy of the May 8, 2017 Verified Complaint filed by Mahwah in the action Township of Mahwah v. Ramapough Mountain Indians, Inc., Docket No. BER-L-3189-17 (New Jersey Superior Court, Law Division: Bergen County) (hereinafter "Mahwah Enforcement Action").

21. Annexed hereto as **Exhibit T** is a true and accurate copy of the Order to Consolidate the HOA Enforcement Action and the Mahwah Enforcement Action (hereinafter "Consolidated Enforcement Actions"), which was entered on December 7, 2018.

22. Annexed hereto as **Exhibit U** is a true and accurate copy of the Notice of Motion *in Limine* filed on December 31, 2018 by RMI in the Consolidated Enforcement Actions.

23. Annexed hereto as **Exhibit V** is a true and accurate copy of the January 18, 2019 Scheduling Order in the Consolidated Enforcement Actions setting a trial date of March 4, 2019.

24. I declare under penalty of perjury, that the foregoing is true and correct.

January 23, 2019

/s/ Arthur N. Chagars  
Arthur N. Chagaris, Esq.